

**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet (Reconsideration)**

**DATE: Monday, April 11, 2011**

**CASE NUMBER: C15-2011-0010**

\_\_\_\_ Jeff Jack  
\_\_\_\_ Michael Von Ohlen  
\_\_\_\_ Nora Salinas  
\_\_\_\_ Bryan King  
\_\_\_\_ Leane Heldenfels, Chairman  
\_\_\_\_ Clarke Hammond, Vice Chairman  
\_\_\_\_ Heidi Goebel  
\_\_\_\_ Melissa Hawthorne

**APPLICANT: Duc Van Tran**

**ADDRESS: 2007 LEEANN DR**

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 14 inches in order to maintain an addition to a single-family residence in an "SF-3", Family Residence zoning district.

**BOARD'S DECISION:** The public hearing was closed on Board Member Leane Heldenfels motion to Grant with conditions to meet fire code requirements, Board Member Clarke Hammond second on a 4-3 vote (Jeff Jack, Bryan King, Heidi Goebel nay); **DENIED.**

**Applicant filed reconsideration: scheduled April 11, 2011**

April 11, 2011 Board member Leane Heldenfels motion to reconsider, Board Member Clark Hammond second on a 5-2 (Board members Bryan King, Heidi Goebel nay); **RECONSIDER.** The public hearing was closed on Board Member Michael Von Ohlen motion to postpone to May 9, 2011 for better findings and to obtain letter from adjacent property owner, Board Member Jeff Jack second on a 7-0 vote; **POSTPONED** to May 9, 2011.

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:  
  
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

---

Susan Walker  
Executive Liaison

---

Leane Heldenfels  
Chairman

**CITY OF AUSTIN**  
**Board of Adjustment/Sign Review Board**  
**Decision Sheet**

**DATE: Monday, March 9, 2011**

**CASE NUMBER: C15-2011-0010**

\_\_\_\_N\_\_\_\_ Jeff Jack  
\_\_\_\_A\_\_\_\_ Michael Von Ohlen  
\_\_\_\_Y\_\_\_\_ Nora Salinas  
\_\_\_\_N\_\_\_\_ Bryan King  
\_\_\_\_Y\_\_\_\_ Leane Heldenfels, Chairman **Motion to GRANT**  
\_\_\_\_Y\_\_\_\_ Clarke Hammond, Vice Chairman **2<sup>nd</sup> the Motion**  
\_\_\_\_N\_\_\_\_ Heidi Goebel  
\_\_\_\_Y\_\_\_\_ Melissa Hawthorne

**APPLICANT: Duc Van Tran**

**ADDRESS: 2007 LEEANN DR**

**VARIANCE REQUESTED:** The applicant has requested a variance to decrease the minimum side yard setback requirement of Section 25-2-492 (D) from 5 feet to 14 inches in order to maintain an addition to a single-family residence in an "SF-3", Family Residence zoning district.

**BOARD'S DECISION:** The public hearing was closed on Board Member Leane Heldenfels motion to Grant with conditions to meet fire code requirements, Board Member Clarke Hammond second on a 4-3 vote (Jeff Jack, Bryan King, Heidi Goebel nay); **DENIED.**

**FINDING:**

1. The Zoning regulations applicable to the property do not allow for a reasonable use because: the small addition over an existing patio was done over 5 years ago
2. (a) The hardship for which the variance is requested is unique to the property in that: given the existing structure location of the lot, existing AC unit and mechanical units prohibits the addition storage to another location in the lot  
  
(b) The hardship is not general to the area in which the property is located because: given the existing structure location of the lot, existing AC unit and mechanical units prohibits the addition storage to another location in the lot
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because: addition has been in existence for several years, material will comply with building code regulations and fire code regulations.

  
Susan Walker  
Executive Liaison

  
Leane Heldenfels  
Chairman

77.77

556°46'20"W

5 PUE  
11660-161A

$1 + 0.05 = 1.05$   
 $1.05 \times 1.05 = 1.1025$   
 $1.1025 \times 1.05 = 1.1576$   
 $1.1576 \times 1.05 = 1.2155$

6-2-5-4-8-1  
8500/8/0-088/5/886

Along 40 feet

LOT 4  
BLOCK "D"

In side 6 feet

ONE SHOT  
ROCK & SHOT  
DUPLICATION

14 inches  
24 inches  
30 inches  
40 inches  
45 inches  
33 inches  
40 inches  
58 inches

④

Don Rev. Ranges

5. Underground Electric  
Telephone Lines East  
CAT 1633

N 72° 23' 15" E C = 56.47'

2007 LEEANN DRIVE

Austin Energy has reviewed this plan for and approves/disapproves the variance requested before the Board of Adjustment. Any changes to this plan must be approved by Austin Energy.

STUDIES

BY 521° 33' 35" E 121.03' Date:

MLG

TO NORTH AMERICAN MORTGAGE COMPANY, HERITAGE TITLE COMPANY, TITLE  
RESOURCES GUARANTY COMPANY, DUC VAN TRAN and LAN NGOC PHAM,  
EXCLUSIVELY;

— The above was the basis for the decision that this group was the best one to handle the work of the

Duc Van Tran & Lan Pham  
2007A LeeAnn Drive  
Austin, Texas 78758-2505  
March 18, 2011

City of Austin  
Code Compliance Department  
P.O. Box 1088  
Austin, Texas 78758-2505

**RE: 2007 LEEANN DR 78758**

Legally described as LOT 4 BLKD VILLAGE AT WALNUT CREEK PHS2 SEC  
10 AMENDED PLAT OF  
Zoned as SF-3  
Parcel Number 0260160717

**Case: C15-2011-0010**

Dear: to the members of the Boards

I undersigned here is Duc Van Tran, the owner and also a resident at the 2007A LeeAnn Drive. The property were inspected and reviewed by the Austin City Code Inspector in December, 2010. It were found in violation of building code for the addition to the property encroaching into the side yard setback and a minimum of 5 feet is required in a SF3 zoning district. (**Case: C15-2011-0011**).

I have had filed a petition to obtain Variance for this property addition and have appeared in front of the board for the review. The addition were done by my Father-In-Law to have more space for storage-purpose only (no sleeping, bathing and washing involved) about 18years ago. My Mother-In Law is 79years old and much needed for her to have access to the daily essential supplies stored in the enclosed patio (addition). **I have measured the distance from my outer-most edge of the patio structure to the adjacent property is exactly 14 foots.**

I hope the board will carefully review and grant us a variance to maintain this structure. It would be very difficult for myself financially to fix it and most importantly detrimental for my mother-in law. It would affect her way of life with daily activities and getting used to have everything within her reach. She is a diabetic and have recovered from the quadruple by-pass two years ago. Please advise and hopefully we can work out a solution with minimal financial burden involve.

In closing, I appreciated and grateful to each member of the board for spending your precious time and resources to the hearing and review this case. Thank you for your prompt attention and consideration to this matter.

Respectfully,

Duc Van Tran

If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE # C15-2011-0010  
ROW # 10536066

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

TP-0260160717

**WARNING: Filing of this appeal stops all affected construction activity.**

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.**

STREET ADDRESS: 2007-A LEEANN DR AUSTIN TX 78758

LEGAL DESCRIPTION: Subdivision - \_\_\_\_\_

Lot(s) 4 Block D Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We DUC Tran on behalf of myself/ourselves as authorized agent for

myself affirm that on Jan, 4, 2011

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

\_\_\_ ERECT \_\_\_ ATTACH \_\_\_ COMPLETE \_\_\_ REMODEL ☒ MAINTAIN

An addition to single family residence providing a side yard of 14 feet 8 inches

in a SF-3 district.  
(zoning district)

**NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.**

**VARIANCE FINDINGS:** I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because: THE ADDITION PROVIDES FOR STORAGE AREA. ONE OF THE RESIDENTS IS AN ELDERLY WHO IS 78 YEARS OLD. THE ADDITION WAS BUILT NEXT TO THE SLIDING DOOR FOR EASY ACCESS TO THE STORAGE AREA.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that: WITHOUT THE ADDITION, LIFE WOULD BE DIFFICULT FOR THE ELDERLY RESIDENT. THE CHILDREN ARE AT WORK AND HAVING THE STORAGE ARE NEXT TO THE SLIDING DOOR ALLOWS HER TO ACCESS THE STORAGE AREA.

(b) The hardship is not general to the area in which the property is located because: WE HAVE A LOT OF PEOPLE LIVING IN THE HOME, MOST LIKELY MORE SO THAN OTHER HOUSES IN THE SAME AREA. THAT IS WHY WE NEED THE ADDITION FOR THE STORAGE AREA.

**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

THIS ADDITION WAS BUILT ABOUT 17 YEARS AGO. WE HAVE NOT RECEIVED ANY COMPLAINT FROM THE NEIGHBORS.

**PARKING:** (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

---

---

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

---

---

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

---

---

**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 2007-A LEEANN DR

City, State & Zip AUSTIN TX 78758

Printed DUC VAN TRAN Phone 512-873-0524 Date 1.3.11

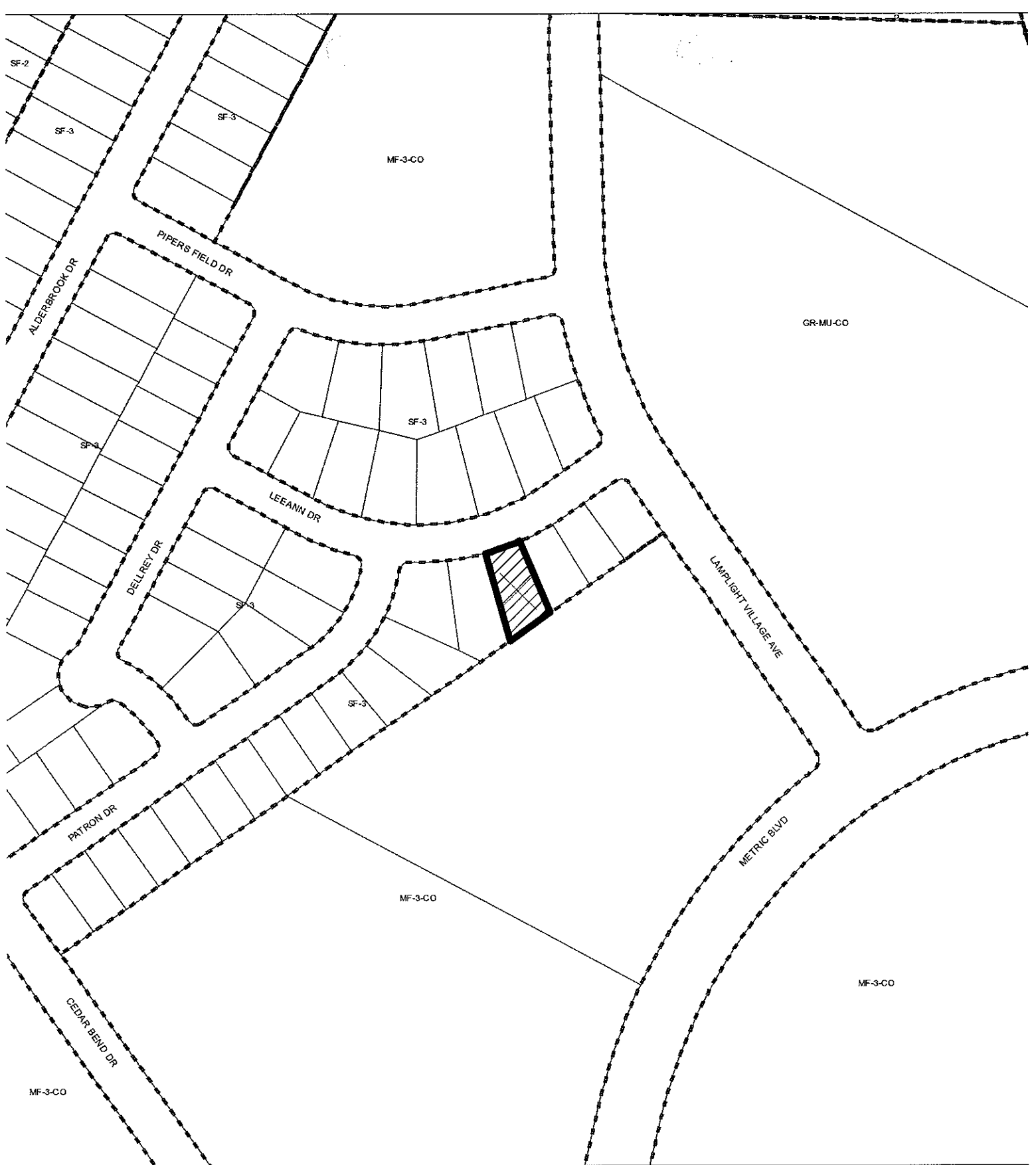
**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 2007-A LEEANN DR

City, State & Zip AUSTIN TX 78758

Printed DUC VAN TRAN Phone 512-873-0524 Date 1.3.11





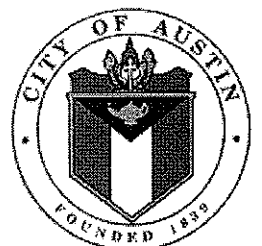
## BOARD OF ADJUSTMENTS

CASE#: C15-2011-0010  
 LOCATION: 2007 LEEANN DR  
 GRID: L34  
 MANAGER: SUSAN WALKER



SUBJECT TRACT

ZONING BOUNDARY



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

MG

4. The above information is submitted in accordance with the provisions of the law on the subject of the investigation of the crime of the defendant on the ground of the



2007 Leean

Case 10-104459

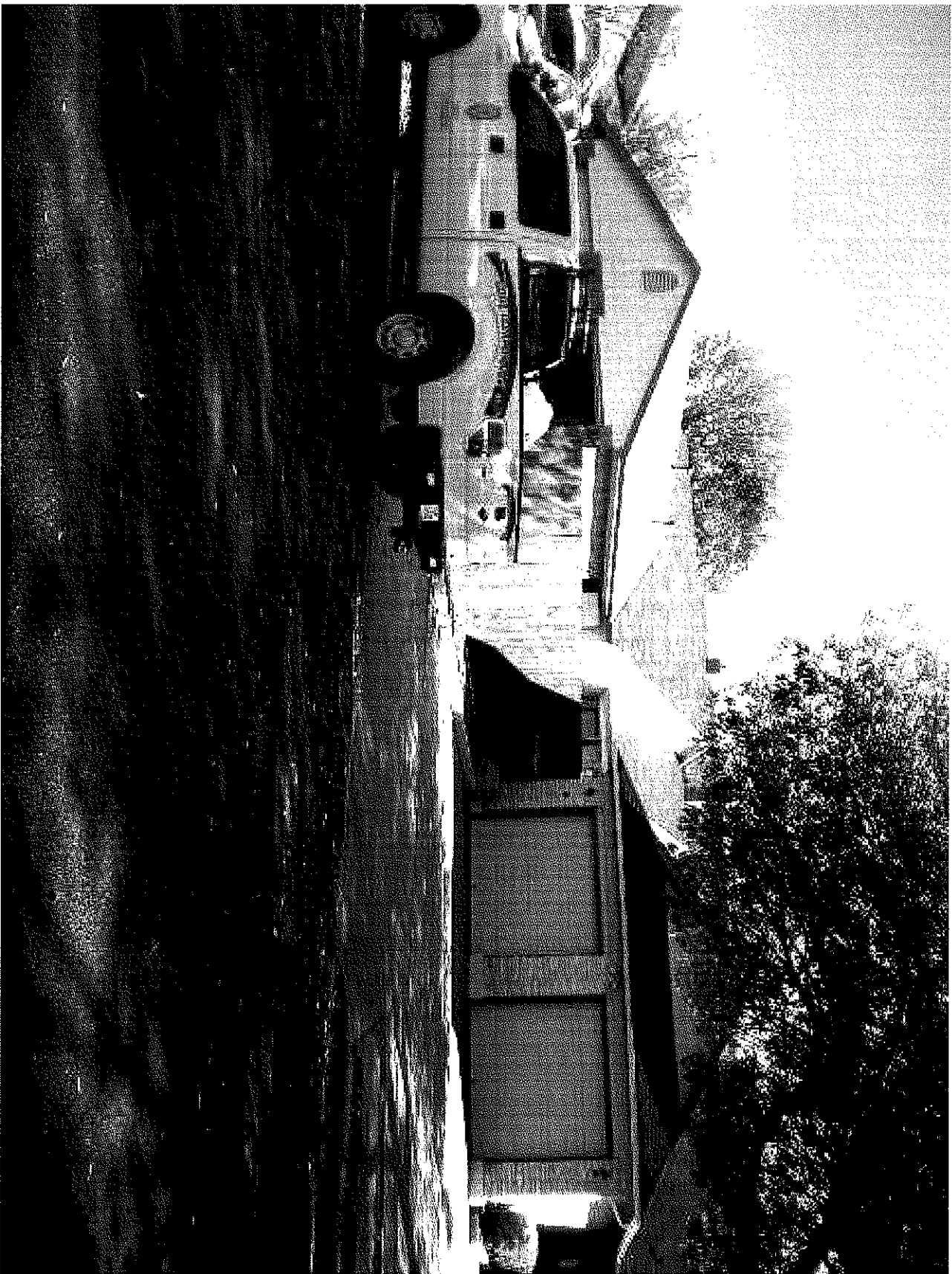
12-3-2010

Investigator Moses Rodriguez



2007 Leeann  
Case 10-104459

12-3-2010  
Investigator Moses Rodriguez



2007 Leeann  
Case 10-104459

12-3-2010  
Investigator Moses Rodriguez





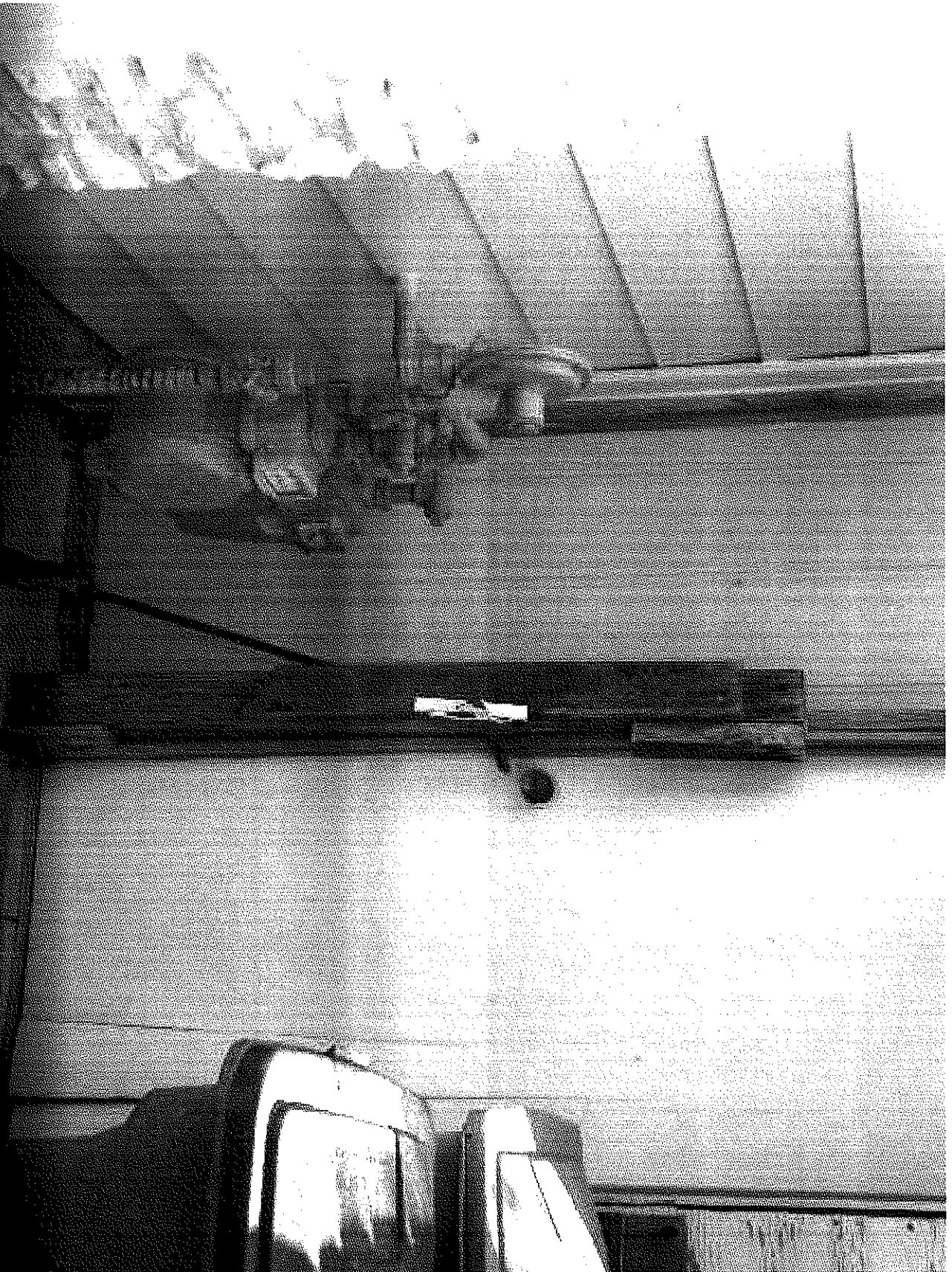
2007 Leean  
Case 10-104459

12-3-2010  
Investigator Moses Rodriguez



2007 Leean  
Case 10-104459

12-3-2010  
Investigator Moses Rodriguez



2007 Leeann  
Case 10-104459

12-3-2010  
Investigator Moses Rodriguez





2007 Leann

Case 10-104459

12-3-2010

Investigator Moses Rodriguez

## PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak **FOR** or **AGAINST** the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
  - appearing and speaking for the record at the public hearing;
- and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: [www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

**Case Number:** C15-2011-0010 – 2007 LeeAnn Drive  
**Contact:** Susan Walker, 512-974-2202  
**Public Hearing:** Board of Adjustment, March 9th, 2011

*Heiler Allen*  
 Your Name (please print)

<input checked="" type="checkbox"/> I am in favor <input type="checkbox"/> I object
--

12410 Metnic #2101  
 Your address(es) affected by this application

*[Signature]* 3.1.11  
 Signature Date

Daytime Telephone: \_\_\_\_\_

Comments: \_\_\_\_\_

**If you use this form to comment, it may be returned to:**

City of Austin-Planning & Development Review Department/ 1st Floor  
 Susan Walker  
 P. O. Box 1088  
 Austin, TX 78767-1088

## PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: [www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2011-0010 – 2007 LeeAnn Drive

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, March 9th, 2011

H. ROSS DAVIS

Your Name (please print)

2005 LEEANN DR.

Your address(es) affected by this application

H. Ross Davis

Signature

Date

Daytime Telephone: (512) 567-4346

Comments:

I oppose this variance due to fire concerns.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor  
Susan Walker  
P. O. Box 1088  
Austin, TX 78767-1088